

REMARKS

Claims 1-4, 7-9 are pending. No amendments are made to the claims by this Response.

Applicants note the Examiner's comments regarding citation of references in the specification. Applicants are not aware of any citations within the text of the specification and respectfully submit that this is not an issue in the present application.

Applicants note the Examiner's comments with respect to co-pending applications. An Information Disclosure Statement will be filed under separate cover, providing citations to related applications. Applicants make no assertions that the material disclosed and claimed in these cited applications are or are not material to the patentability of the present application.

Applicants note the Examiners comments with respect to errors in the specification. At this time, Applicants are not aware of any errors in the specification.

The Examiner rejected claims 1-4, 7-8 under 35 USC 103(a) as being unpatentable over Mrozik, U.S. Patent No. 4,831,016. The Examiner urges that Mrozik teaches avermectin derivatives which are useful for controlling pests. Additionally, the Examiner alleges that the avermectin derivatives disclosed in Mrozik embrace Applicants' invention. The Examiner reasons that the reference only differs from the claims by a different generic scope. Applicants respectfully traverse.

With respect to the reference teaching, vis a vis the claims, Applicants note that Mrozik's invention is concerned with avermectin derivatives where the 8,9 double bond (represented in formula III by B) and/or the 10,11 double bond (represented in formula II by A) is reduced to a single bond (see, for instance, col. 2, lines 29-34 and the paragraph bridging columns 2 and 3). In the claimed compounds, both A and B are double bonds; neither is a single bond, which is an essential feature of the Mrozik compounds.

Additionally, Mrozik's group R⁵ (which corresponds to Applicants' group R⁶-[CR³R⁵]_p-CR²R⁴-[CH₂]_n-, when Mrozik's R⁴ is either one of the ring systems designated in col. 3, lines 15-30, is hydroxyl, ketone [i.e., =O] or -NR⁶R⁷. This does not include Applicants' group R⁶-[CR³R⁵]_p-CR²R⁴-[CH₂]_n-, which must be an optionally substituted alkyl group (i.e., *not* hydroxyl, ketone or -NR⁶R⁷, even when n is 0.

There is no overlap between the compounds disclosed in Mrozik and the compounds presently claimed herein. Since the compounds claimed in the present claims are outside the scope of Mrozik's genus, none of the obviousness arguments put forth by the Examiner, which all hinge on Applicants' compounds being a species selection within a genus, is tenable. Accordingly, Applicants respectfully request withdrawal of the rejection.

The Examiner rejected claims 1-4, 7 and 8 as being unpatentable over Omura, U.S. Patent No. 6,605,595. The Examiner alleges that the instant claims differ from the reference in that they are of a different generic scope. Specifically, the Examiner alleges that the compounds disclosed in the present application at Table 9 and 10 on pages 76-77 are disclosed by the reference. Applicants respectfully traverse.

Applicants note that the proviso to claim 1 stipulates that the group $R_6-[C(R_3)(R_5)]_p-C(R_2)(R_4)-[CH_2]_n-$, which is attached to the ε -position of the compound of the formula (I), is not $NC-CH_2-$ or $HOOC-CH_2-$ when m is 1 and the bond between atoms 22 and 23 is a single bond. This proviso avoids any overlap between the presently-claimed compounds and the Omura reference. While some of these compounds may be disclosed in Applicants' specification, the presence of the proviso eliminates any claim to these compounds. As there is no overlap between the *claims* herein and the compounds disclosed by Omura, Applicants respectfully request withdrawal of this rejection.

All of the rejections and objections noted by the Examiner have been addressed in this response, making this a complete response to the Office Action dated August 10, 2006. In light of the amendments and arguments set forth herein, Applicants respectfully request allowance of all of the pending claims.

Respectfully submitted,

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